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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/750,500	12/28/2000	Marc Epstein	300/1	6952.

7590                    12/19/2006  
KAPLAN & GILMAN, L.L.P.  
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Woodbridge, NJ 07095

EXAMINER
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EL CHANTI, HUSSEIN A

ART UNIT	PAPER NUMBER
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2157

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/19/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/750,500	EPSTEIN ET AL.
	Examiner Hussein A. El-chanti	Art Unit 2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 22 September 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 40-61 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 40-61 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

1. This action is responsive to amendment received on Sep, 22, 2006. Claims 1-39 were canceled. Claims 40-61 were newly added.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 40, 47, 51 and 58 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claims 40 and 51 recite "accessing resources" in the second and 5<sup>th</sup> line of the claim. It is unclear whether the resources are the same or different resources.
4. Claims 47 and 58 recite the limitation "said client computer" in the claim. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 40-61 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

### **MPEP 2106 IV.B.2.(b)**

A claim that requires one or more acts to be performed defines a process. However, not all processes are statutory under 35 U.S.C. 101. Schrader, 22 F.3d at 296, 30 USPQ2d at 1460. To be statutory, a claimed computer-related process must either: (A) result in a physical

transformation outside the computer for which a practical application in the technological arts is either disclosed in the specification or would have been known to a skilled artisan, or (B) be limited to a practical application within the technological arts.

6. Claims 1-6 and 13-26, in view of the above cited MPEP sections, are not statutory because they merely recite a number of computing steps without producing any tangible result and/or being limited to a practical application within the technological arts.

#### “TANGIBLE RESULT”

The tangible requirement does not necessarily mean that a claim must either be tied to a particular machine or apparatus or must operate to change articles or materials to a different state or thing. However, the tangible requirement does require that the claim must recite more than a § 101 judicial exception, in that the process claim must set forth a practical application of that § 101 judicial exception to produce a real-world result. Benson, 409 U.S. at 71-72, 175 USPQ at 676-77 (invention ineligible because had “no substantial practical application.”). “[A]n application of a law of nature or mathematical formula to a ... process may well be deserving of patent protection.” Diehr, 450 U.S. at 187, 209 USPQ at 8 (emphasis added); see also Corning, 56 U.S. (15 How.) at 268, 14 L.Ed. 683 .

7. Claims 40-61, in view of the above cited MPEP sections, are not statutory because the claims do not produce any *tangible results*. The claims merely recite “accessing resources” without producing any results.

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 40-61 are rejected under 35 U.S.C. 102(e) as being anticipated by Erpeldinger, U.S. Patent No. 6,557,169.

As to claims 40 and 51, Erpeldinger teaches a method and apparatus, comprising:

securely accessing resources in a first set of one or more servers by one or more client compute networks, said first set of one or more servers providing a first set of services to said one or more client computer networks (see col. 1 lines 22-32); and

securely accessing resources in said one or more client computer networks by a second set of one or more servers, said second set of one or more servers providing a second set of services to said one or more client computer networks (see col. 2 lines 2 lines 65-col. 3 lines 22).

As to claims 41 and 52, Erpeldinger teaches the method and apparatus of claims 40 and 51 wherein said first set of one or more services comprise data services (see col. 1 lines 22-32).

As to claims 42 and 53, Erpeldinger teaches the method and apparatus of claims 41 and 52 wherein said second set of one or more services comprise management and configuration services (see col. 2 lines 2 lines 65-col. 3 lines 22).

As to claims 43 and 54, Erpeldinger teaches the method and apparatus of claims 41 and 52 wherein said first set of services comprises at least one service selected from

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the group consisting of: virus protection services, remote access, backup, software sharing, and telephony services (see col. 1 lines 22-32).

As to claims 44 and 55, Erpeldinger teaches the method and apparatus of claims 42 and 53 wherein said second set of services comprises at least one service selected from the group consisting of: security, password management, software updates, software distribution, and access control (see col. 2 lines 2 lines 65-col. 3 lines 22).

As to claims 45 and 56, Erpeldinger teaches the method and apparatus of claims 40 and 51 further comprising: preventing any said client computer network from securely accessing resources in any other said client computer network (see col. 2 lines 2 lines 65-col. 3 lines 22).

As to claims 46 and 57, Erpeldinger teaches the method and apparatus of claims 40 and 51 further comprising: preventing said first set of one or more servers from securely accessing resources in any said client computer (see col. 2 lines 2 lines 65-col. 3 lines 22).

As to claims 47 and 58, Erpeldinger teaches the method and apparatus of claims 40 and 51 further comprising: preventing any said client computer from securely accessing resources in said second set of one or more servers (see col. 2 lines 2 lines 65-col. 3 lines 22).

As to claims 48 and 59, Erpeldinger teaches the method and apparatus of claims 42 and 53 further comprising: preventing said first set of one or more servers from securely accessing resources in said second set of one or more servers (see col. 2 lines 2 lines 65-col. 3 lines 22).

As to claims 49 and 60, Erpeldinger teaches the method and apparatus of claims 42 and 53 wherein said first set of one or more servers providing said data services and said second set of one or more servers providing said management and configuration services are separate (see col. 2 lines 2 lines 65-col. 3 lines 22 and col. 1 lines 22-32).

As to claims 50 and 61, Erpeldinger teaches the method and apparatus of claims 40 and 51 further comprising: connecting said first set of one or more servers to at least one of the group consisting of: the Internet, a public switched telephone network, and a data network (see col. 2 lines 55-62).

9. Applicant's arguments have been fully considered but are moot in view of new grounds of rejection.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hussein A. El-chanti whose telephone number is (571)272-3999. The examiner can normally be reached on Mon-Fri 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571)272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Hussein El-chanti

Dec 6, 2006

  
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